

AMENDED IN SENATE MARCH 23, 2004

SENATE BILL

No. 1745

Introduced by Senator Perata

February 20, 2004

~~An act to amend Section 11106 of the Penal Code, relating to firearms. An act to add Section 1271.15 to the Health and Safety Code, and to add Section 5675.2 to the Welfare and Institutions Code, relating to mental health.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1745, as amended, Perata. ~~Firearms—~~*Mental health rehabilitation centers.*

(1) Existing law authorizes Placer County and up to 15 additional counties to establish a pilot project to develop a shared mental health rehabilitation center for providing community care and treatment for persons with mental disorders who are placed in a state hospital because there is no available community placement and authorizes the State Department of Mental Health to establish appropriate licensure requirements for new programs for the treatment of mental illness.

This bill would require each new and renewal application for a license to operate a mental health rehabilitation center to be accompanied by an application or renewal fee, and to expire 12 months from the date of issuance.

(2) Existing law authorizes a health facility to place up to 50% of its licensed bed capacity in voluntary suspension for up to 3 years, unless extended, and authorizes the health facility to remove all or any portion of its voluntarily suspended bed capacity from voluntary suspension unless the facility fails to meet currently applicable operational requirements or fails to meet construction requirements for the health

facility in effect at the time the request for suspension of the beds was received by the department.

This bill would similarly authorize a health facility to voluntarily suspend all or part of its bed capacity or to voluntarily suspend its license for the purpose of operating a mental health rehabilitation center and would permit the facility to reinstate the suspended health facility bed capacity or license unless the facility fails to meet currently applicable operational requirements for a health facility or fails to meet construction and life safety requirements for the health facility in effect at the time the facility was originally licensed as a health facility.

~~Existing law requires the Attorney General to maintain, among other things, information regarding firearms transactions, as specified.~~

~~This bill would make a nonsubstantive, technical change to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11106 of the Penal Code is amended to~~
 2 *SECTION 1. Section 1271.15 is added to the Health and*
 3 *Safety Code, immediately following Section 1271.1, to read:*
 4 *1271.15. (a) Notwithstanding any provision of law to the*
 5 *contrary, including, but not limited to, Section 1271.1, a health*
 6 *facility may do any of the following:*
 7 *(1) (A) It may place all or a portion of its licensed bed capacity*
 8 *in voluntary suspension for the purposes of using the facility to*
 9 *operate a mental health rehabilitation center pursuant to Section*
 10 *5675 of the Welfare and Institutions Code after submitting written*
 11 *notification to the State Department of Health Services and to the*
 12 *Office of Statewide Health Planning and Development.*
 13 *(B) A mental health rehabilitation center operating under this*
 14 *paragraph may remove all or any portion of its voluntarily*
 15 *suspended bed capacity from voluntary suspension by submitting*
 16 *a request to the State Department of Health Services.*
 17 *(C) The department shall grant the request under*
 18 *subparagraph (B) to remove bed capacity from voluntary*
 19 *suspension and to reinstatement of the health facility bed capacity,*
 20 *unless the facility fails to meet currently applicable operational*
 21 *requirements for a health facility or fails to meet construction and*

1 *life safety requirements for the health facility in effect at the time*
2 *the facility was originally licensed as a health facility.*

3 (2) (A) *It may voluntarily surrender its license for the purpose*
4 *of converting the facility to a mental health rehabilitation center*
5 *pursuant to Section 5675 of the Welfare and Institutions Code after*
6 *submitting written notification to the State Department of Health*
7 *Services and to the Office of Statewide Health Planning and*
8 *Development.*

9 (B) *A mental health rehabilitation center operating under this*
10 *paragraph may elect to convert the facility back to a health facility*
11 *and to be issued a new health facility license by submitting a*
12 *request to the State Department of Health Services.*

13 (C) *The department shall grant a request under subparagraph*
14 *(B) to convert the facility back to a health facility and to issue a*
15 *new health facility license, unless the facility fails to meet currently*
16 *applicable operational requirements for a health facility or fails*
17 *to meet construction and life safety requirements for the health*
18 *facility in effect at the time the facility was originally licensed as*
19 *a health facility.*

20 (b) *This section authorizes the voluntary suspension of bed*
21 *capacity or surrender of a license by a health facility only for the*
22 *purpose of converting the facility for use as a mental health*
23 *rehabilitation center pursuant to Section 5675 of the Welfare and*
24 *Institutions Code.*

25 SEC. 2. *Section 5675.2 is added to the Welfare and*
26 *Institutions Code, to read:*

27 5675.2. (a) *Commencing January 1, 2005, each new and*
28 *renewal application for a license to operate a mental health*
29 *rehabilitation center shall be accompanied by an application or*
30 *renewal fee.*

31 (b) *The amount of the fees shall be determined by the State*
32 *Department of Mental Health, but the total amount of the fees*
33 *collected shall not exceed the actual costs of licensure and*
34 *regulation of the centers, including, but not limited to, the costs of*
35 *processing the application, inspection costs, and other related*
36 *costs.*

37 (c) *Each license or renewal issued pursuant to this chapter*
38 *shall expire 12 months from the date of issuance. Application for*
39 *renewal of the license shall be accompanied by the necessary fee*
40 *and shall be filed with the department at least 30 days prior to the*

1 *expiration date. Failure to file a timely renewal may result in*
2 *expiration of the license.*

3 *read:*

4 ~~11106. (a) In order to assist in the investigation of crime, the~~
5 ~~prosecution of civil actions by city attorneys pursuant to paragraph~~
6 ~~(3) of subdivision (c), the arrest and prosecution of criminals, and~~
7 ~~the recovery of lost, stolen, or found property, the Attorney~~
8 ~~General shall keep and properly file a complete record of all copies~~
9 ~~of fingerprints, copies of licenses to carry firearms issued pursuant~~
10 ~~to Section 12050, information reported to the Department of~~
11 ~~Justice pursuant to Section 12053, dealers' records of sales of~~
12 ~~firearms, reports provided pursuant to Section 12072 or 12078,~~
13 ~~forms provided pursuant to Section 12084, reports provided~~
14 ~~pursuant to Section 12071 that are not dealers' records of sales of~~
15 ~~firearms, and reports of stolen, lost, found, pledged, or pawned~~
16 ~~property in any city or county of this state, and shall, upon proper~~
17 ~~application therefor, furnish this information to the officers~~
18 ~~referred to in Section 11105.~~

19 ~~(b) (1) Notwithstanding subdivision (a), the Attorney General~~
20 ~~shall not retain or compile any information from reports filed~~
21 ~~pursuant to subdivision (a) of Section 12078 for firearms that are~~
22 ~~not handguns, from forms submitted pursuant to Section 12084 for~~
23 ~~firearms that are not handguns, or from dealers' records of sales~~
24 ~~for firearms that are not handguns. All copies of the forms~~
25 ~~submitted, or any information received in electronic form,~~
26 ~~pursuant to Section 12084 for firearms that are not handguns, or~~
27 ~~of the dealers' records of sales for firearms that are not handguns~~
28 ~~shall be destroyed within five days of the clearance by the Attorney~~
29 ~~General, unless the purchaser or transferor is ineligible to take~~
30 ~~possession of the firearm. All copies of the reports filed, or any~~
31 ~~information received in electronic form, pursuant to subdivision~~
32 ~~(a) of Section 12078 for firearms that are not handguns shall be~~
33 ~~destroyed within five days of the receipt by the Attorney General,~~
34 ~~unless retention is necessary for use in a criminal prosecution.~~

35 ~~(2) A peace officer, the Attorney General, a Department of~~
36 ~~Justice employee designated by the Attorney General, or any~~
37 ~~authorized local law enforcement employee shall not retain or~~
38 ~~compile any information from a firearms transaction record, as~~
39 ~~defined in paragraph (5) of subdivision (c) of Section 12071, for~~
40 ~~firearms that are not handguns unless retention or compilation is~~

1 necessary for use in a criminal prosecution or in a proceeding to
2 revoke a license issued pursuant to Section 12071.

3 (3) A violation of this subdivision is a misdemeanor.

4 (e) (1) ~~The Attorney General shall permanently keep and~~
5 ~~properly file and maintain all information reported to the~~
6 ~~Department of Justice pursuant to Sections 12071, 12072, 12078,~~
7 ~~12082, and 12084 or any other law, as to handguns and maintain~~
8 ~~a registry thereof.~~

9 (2) The registry shall consist of all of the following:

10 (A) ~~The name, address, identification of, place of birth (state or~~
11 ~~country), complete telephone number, occupation, sex,~~
12 ~~description, and all legal names and aliases ever used by the owner~~
13 ~~or person being loaned the particular handgun as listed on the~~
14 ~~information provided to the department on the Dealers' Record of~~
15 ~~Sale, the Law Enforcement Firearms Transfer (LEFT), as defined~~
16 ~~in Section 12084, or reports made to the department pursuant to~~
17 ~~Section 12078 or any other law.~~

18 (B) ~~The name and address of, and other information about, any~~
19 ~~person (whether a dealer or a private party) from whom the owner~~
20 ~~acquired or the person being loaned the particular handgun and~~
21 ~~when the firearm was acquired or loaned as listed on the~~
22 ~~information provided to the department on the Dealers' Record of~~
23 ~~Sale, the LEFT, or reports made to the department pursuant to~~
24 ~~Section 12078 or any other law.~~

25 (C) ~~Any waiting period exemption applicable to the transaction~~
26 ~~which resulted in the owner of or the person being loaned the~~
27 ~~particular handgun acquiring or being loaned that firearm.~~

28 (D) ~~The manufacturer's name if stamped on the firearm, model~~
29 ~~name or number if stamped on the firearm, and, if applicable, the~~
30 ~~serial number, other number (if more than one serial number is~~
31 ~~stamped on the firearm), caliber, type of firearm, if the firearm is~~
32 ~~new or used, barrel length, and color of the firearm.~~

33 (3) ~~Information in the registry referred to in this subdivision~~
34 ~~shall, upon proper application therefor, be furnished to the officers~~
35 ~~referred to in Section 11105, to a city attorney prosecuting a civil~~
36 ~~action, solely for use in prosecuting that civil action and not for any~~
37 ~~other purpose, or to the person listed in the registry as the owner~~
38 ~~or person who is listed as being loaned the particular handgun.~~

39 (4) ~~If any person is listed in the registry as the owner of a~~
40 ~~firearm through a dealers' record of sale prior to 1979, and the~~

1 ~~person listed in the registry requests by letter that the Attorney~~
2 ~~General store and keep the record electronically, as well as in the~~
3 ~~record's existing photographic, photostatic, or nonerasable~~
4 ~~optically stored form, the Attorney General shall do so within three~~
5 ~~working days of receipt of the request. The Attorney General shall,~~
6 ~~in writing, and as soon as practicable, notify the person requesting~~
7 ~~electronic storage of the record that the request has been honored~~
8 ~~as required by this paragraph.~~

